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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,323	06/22/2001	E. Vincent Wood	20177-11 US	7211

4859 7590 01/23/2003

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT PAPER NUMBER

3629

DATE MAILED: 01/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/888,323

Applicant(s)

WOOD ET AL.

Examiner

Jonathan Ouellette

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being obvious over Baker (US 2001/0048499 A1).
3. As per independent Claims 1 and 7, Baker discloses a method (system) for determining certain personal characteristics and preferences of an individual, comprising the steps of: subjecting the individual to one or more personality tests and recording the results in a database; subjecting the individual to one or more application specific tests and recording the results in a database; scoring the results of said tests and classifying the test results based upon a predetermined set of rules and storing the classified results in said database; and comparing said classified results to a predetermined set of references to develop a set of data representing preferences and other characteristics of the individual (Abstract, Fig.3, Para 0014, Para 0019-0023, Para 0027-0031, Para 0056-0074, Claims 1-10, Claim 13, Claim 24).

4. Baker fails to distinctly disclose subjecting the individual to one or more situational action response tests.
5. Baker does teach using any type of test in order to create a user profile in order to match compatible users (Para 0074), and situational action response tests were well known at the time the invention was made.
6. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included subjecting the individual to one or more situational action response tests, in the system disclosed by Baker, for the advantage of providing a method (system) for determining certain personal characteristics and preferences of an individual, with the ability to utilize several different types of indicator tests in order to more accurately profile customers.
7. As per Claims 2 and 8, Baker discloses the step of: using said set of data to provide compatible content, advice or personal introductions to said individual (Abstract, Para 0056-0074, Claims 1-10).
8. As per Claims 3 and 9, Baker discloses wherein said personality tests include the Keirsey Temperament Sorter (Para 0056-0074).
9. As per Claims 4 and 10, Baker discloses wherein said application specific tests are selected from the group consisting of personality tests, demographics tests, on-line and off-line behavioral response tests, psychographic tests, and life style and quality of life tests (Abstract, Fig.3, Para 0014, Para 0019-0023, Para 0027-0031, Para 0056-0074, Claims 1-10, Claim 13, Claim 24).
10. As per Claims 5 and 11, Baker discloses wherein said predetermined set of references include characteristics selected from the group consisting of

- personality traits, skills, competencies, attitudes, beliefs, behaviors,  
psychographic, demographic and resume items (Abstract, Fig.3, Para 0014, Para  
0019-0023, Para 0027-0031, Para 0056-0074, Claims 1-10, Claim 13, Claim 24).
11. As per Claims 6 and 12, Baker discloses wherein the format of each said test is  
selected from the group consisting of text presentation, video presentation, audio  
presentation, photographic/image presentation, and combinations thereof  
(Abstract, Fig.3, Para 0014, Para 0019-0023, Para 0027-0031, Para 0056-0074,  
Claims 1-10, Claim 13, Claim 24).

### *Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to  
applicant's disclosure.
13. The following foreign patent is cited to show the best foreign prior art found by  
the examiner:

PCT No. WO 200058866 A to Levy et al.

Levy discloses a multilingual on-line matchmaking method over  
Internet for use in connection with dating services, which involves  
searching object database to find candidate data partially matching  
with a subscriber request.

14. The following non-patent literature is cited to show the best non-patent literature  
prior art found by the examiner:

[www.match.com](http://www.match.com)

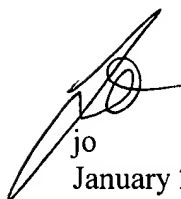
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Match.com uses a system over the Internet, which compiles user profiles (including personality types) and matches them with compatible users – in order to help the users establish a relationship.

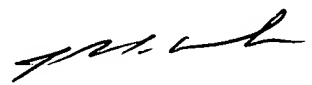
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.

17. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.



jo  
January 21, 2003



**JOHN G. WEISS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**